IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE SIXTEENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No. 16212 OF 2005

Between:

Kuruba Bagyamma & Ors. … Petitioners

Versus

The Revenue Divisional Officer,

Adoni, Kurnool district & Ors. … Respondents

Counsel for the Petitioners : Mr.CHANDRAIAH SUNKARA

Counsel for the Respondents 1 & 2 : GOVT.PLEADER FOR REVENUE

Counsel for the Respondents 3 to 5: NONE APPEARED

O R D E R

This writ petition is filed questioning the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners land in an extent of Acs:2-00, Ac:0-75 cents, Acs:2-00 respectively in survey nos. 16/3, 16/1, 22/1A as arbitrary, illegal and violative of Article 14, 19 (g) and 21 of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the said lands.

The case of the petitioners is that the petitioners belongs to backward class community and they were landless poor and have been eking out their livelihood by working as agricultural labour. Originally the land in survey no. 16/1 in an extent of Acs:7-40 cents and survey no.16/3 in an extent of Acs:1-50 cents belong to the landlord, Mr.Hardagiri Sanjeevareddy son of Venkatareddy, Hardagiri of Aluru Taluk in Kurnool district. Actually the forefathers of the petitioners used to work as agriculture labourers in the land of Hardagiri Sanjeevareddy.

It is submitted that the landlord after noticing the enactment of AP Land Reforms (Ceiling on Agriculture Holdings) Act, 1973 and noticing the fact that he would loose

the land under the said Act handed over the land to the petitioner's uncle Mr.Yellappa by collecting nominal price. Mr.Yellappa was issued pattedar passbook on 09-4-1976 as possessor of the land in survey no.16/1, 16/3. He paid the land revenue right from 1980 onwards.

After noticing the possession of the land by the petitioner's uncle, firstly, the Mandal Revenue Oficer, Halharvi Mandal, after due enquiry transferred the land in favour of the petitioners under Rule 10 (1) of the AP Land Reforms (Ceiling on Agricultural Holdings) Rules 1974 through Proceedings in CC.No.3020/ALR/75, dated 30-1-1995 in survey no.16/1 in an extent of Ac:1-00 and survey no.22/1A in an extent of Ac:1-00, admeasuring Acs:2-00 for a valuable consideration of Rs.296/1 in fifteen yearly instalments to the first petitioner and accordingly issued pattedar passbook and title deeds, bearing no.471807 dated 15-10-2001.

Secondly, the land in survey no.16/3 in an extent of Ac:0-75 cents was also transferred by the second respondent in favour of the second petitioner for a valuable consideration of Rs.111/- at Rs.7-40 per year in fifteen yearly instalments. Accordingly, pattedar passbook and title deeds bearing no.518121 dated 21-1-2002 was issued.

Thirdly, the land in survey no.16/3 in an extent of Ac:0-75 cents situate at Mallikarjunapalli village was transferred by the second respondent in favour of the third petitioner and accordingly issued pattedar passbook and title deed bearing no.518120, dated 21-11-2002.

Fourthly, the land in survey no.22/1A in an extent of Ac:1-00 situate at

Mallikarjunapalli village was transferred by the second in favour of the fourth petitioner and accordingly issued pattedar passbook and title deed bearing no.518122 dated 21-11-2002.

While things stood thus, the petitioners submit that at the instance of the heirs of landlord, Mr.Sanjeevareddy, the respondents 3 to 5 are interfering with the peaceful possession and enjoyment of the petitioners over the said land. It was also brought to the notice of the first and second respondents but no action is taken by them and advised the petitioners to protect their possession by approaching the court of law. Moreover, when the matter is represented to the MLA of Alluru Constituency, Kurnool district, in turn, while enclosing copies of pattas granted to the petitioners, to avoid interference by the persons who obtained bogus pattas to the same land by marking copy to the Sub-Inspector of Police, Halaharvi Mandal, the MLA through his letter dated 12-9-2003 requested the Mandal Revenue Officer, Halaharivi Mandal to register the names of the petitioners in the assignment committee register.

In pursuance of the letter dated 12-9-2003 of the MLA Alluru Constituency, Kurnool district, the second respondent called upon the respondents 3 to 5 and directed to produce their evidence for causing interference with the possession of the petitioners land. But the respondents 3 to 5 kept quiet for some time and again they started interfering with the possession and enjoyment of the petitioners through their henchmen, who have no manner of right whatsoever over the petitioners land. Therefore, the petitioners have filed this writ petition seeking direction to the respondents 1 and 2 in not taking action on the respondents 3 to 5 in interfering with

their peaceful possession and enjoyment over the land in an extent of Acs:2-00, Ac:0-75 cents, Acs:2-00 respectively in survey nos. 16/3, 16/1, 22/1A situate within the limits of Halharvi Revenue Mandal, Kurnool district.

When the mater is listed today, the learned counsel for the petitioner is not present and time was sought on behalf of the learned counsel for the petitioners.

Considering the facts and circumstances of the case and upon perusing the averments of the affidavit filed in support of the petition, it is unnecessary to consider the various contentions raised in this writ petition and accordingly I see no merits to interfere with the matter. If the respondents 3 to 5 are interfering with the possession and enjoyment of the petitioners over the said land, the petitioners have an effective and alternative remedy before the Civil Court of competent jurisdiction and file civil suit.

In the circumstances, the writ petition is dismissed with liberty preserved in the petitioners to pursue their remedies before the Civil Court of competent jurisdiction.

With the above observation, the writ petition is dismissed at the admission stage. No costs.

AUGUST 16th, 2005. ----------

I S L. ELIPE DHARMA RAO , J